

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,815	08/28/2003	Glenn A. Grosskopf	3351-012	9558
51500 75	590 06/22/2005		EXAMINER	
PATZIK, FRANK & SAMOTNY LTD. 150 SOUTH WACKER DRIVE SUITE 900 CHICAGO, IL 60606		LTD.	GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s)					<u> </u>	ð				
## Examiner Bryon P. Gehman 3728 ## Fariod for Reply As HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## If the profession of the profession of the correspondence address - Period for Reply Selfadia double is less than birty (30) days a reply while the statutory miles of the profession is less than birty (30) days as reply while the statutory without the statutory miles of the profession is less than birty (30) days as reply while the statutory without the statutory miles of the statutory miles of the statutory profession is the statutory without the statutory miles of the statutory with the profession of the statutory and the statutory with the profession of the statutory with the profession is non-final. ### This action is FINAL. ### This action is non-final. ### This action is non-f			Application No.	Applicant(s)		_				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. It is period for reply specified above is less than thirty (30) days, are largely within the statistics with the period for reply specified above is less than thirty (30) days, are largely within the statistics with the period for reply specified above, the maximum station year of within the statistics of the statistic state is the period for reply specified above, the maximum station year of within the statistics, which will be considered threely. I the period for reply specified above is less than they (30) days, are largely within the statistic principle and of this communication. I the period for reply specified above, the maximum station year of the state in the remailing date of this communication, are all stressly fleed. They reduce any search period of this communication, even if stressly fleed, they reduce any search period of this communication, even if stressly fleed, they reduce any search period of this communication, even if stressly fleed, they reduce any search period of this communication, even if stressly fleed, they reduce any search period of this communication, even if stressly fleed, they reduce any search period of this communication. Application of Claims A) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Expanded Claims and the stressly fleed on the s	Office Action Summary		10/651,815	GROSSKOPF, GLE	ENN A.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensive for many be available under the provinces of 3 CFR 1.35(a). In or event, however, may a reply be timely filed Extensive for engly specified above is less than thirty (30 days, a reply within the statutory minimum or binty (30) days, will be considered timely. If the period for engly specified above, the maximum ends of 3 CFR 1.75(b). If the period for engly specified above, the maximum entation practive days prival well expired, 5(b) MONTH's film the mailing date of this communication of the period of explosing process of the period of			Examiner	Art Unit		_				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - and SIX (9) MORTHS from the mailing date of this communication is the period of reply specified above, the mailing date of this communication is the period for early specified above, the mailing date of this communication is the period for early specified above, the mailing date of this communication is the period for early specified above, the mailing date of this communication is the period for early specified above, the mailing date of this communication is specified above, the mailing date of this communication is specified above, the mailing date of this communication and patent term adjustment. See 37 CFR 1.704(b) Status 1) Responsive to communication(s) filed on 19 May 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 1-16 and 21-24 is/are objected to. 8) Claim(s) 1-16 and 21-24 is/are objected to. 8) Claim(s) 1-16 and 21-24 is/are objected to. 8) Claim(s) 1-16 and 21-24 is/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Occurrently the drawing of the priority documents have been received i										
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examations for many be available under the provisions of 3 CPR 1.3d(s). In no event, however, may a neply be timely filed Examations for many be available under the provisions of 3 CPR 1.3d(s). In no event, however, may a neply be timely filed If the period for reply specified above is less than thirty (30) days, a reply while the statutory minimum of birty (30) days, as in the period for reply specified above is less than thirty (30) days, a reply while the statutory minimum of birty (30) days, as in the period for reply specified above is less than thirty (30) days, as reply while the specified provision of the communication. Failure to reply while the set or contended product for reply will. by statutor, because the application to become ABANGONED (30 U.S.C. § 133). Branch of the set of the communication of the communication, even if timely filed, may reduce any exempted patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filled on 19 May 2005. Status 1) Responsive to communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) 1.24 is/are rejected. 7 Claim(s) 1.24 is/are rejected. 7 Claim(s) 1.24 is/are rejected. 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abovance. See 37 CPR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CPR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CPR 1.85(a). 1)	Period fo		ppears on the cover she	eet with the correspondence add	ress					
1) Responsive to communication(s) filed on 19 May 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-24 is/are rejected. 7) Claim(s) 1-24 is/are rejected. 7) Claim(s) 1-10 and 21-24 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1) Notice of transperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S800)	THE - External control	MAILING DATE OF THIS COMMUNICATION. ensions of time may be available under the provisions of 37 CFR 1. r SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a rep of period for reply is specified above, the maximum statutory perior ture to reply within the set or extended period for reply will, by statur reply received by the Office later than three months after the mailing	136(a). In no event, however, r ply within the statutory minimum d will apply and will expire SIX (6 te, cause the application to beco	nay a reply be timely filed of thirty (30) days will be considered timely. MONTHS from the mailing date of this continued the continued that the c	nmunication.					
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-24 is/are rejected. 7) ☐ Claim(s) 1-16 and 21-24 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of Braftsperson's Patent Drawing Review (PTO-948) 3) ☐ Notice of Informal Patent Application (PTO-152)	Status									
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-24 is/are rejected. 7) ☐ Claim(s) 1-16 and 21-24 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of Braftsperson's Patent Drawing Review (PTO-948) 3) ☐ Notice of Informal Patent Application (PTO-152)	1) 🛛	Responsive to communication(s) filed on 19 I	May 2005.							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) 1-24 is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Traftsperson's Patent Drawing Review (PTO-948) 3) Notice of Draftsperson's Patent Drawing Review (PTO-158) 5) Notice of References Cited (PTO-152)	2a)⊠									
4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s)	3)□	•								
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Patersperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152)	Disposit	ion of Claims								
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Oratsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)□ 6)⊠ 7)⊠	4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) <u>1-24</u> is/are rejected. Claim(s) <u>1-16 and 21-24</u> is/are objected to.	awn from consideratior		7					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Applicat	ion Papers								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	9)[The specification is objected to by the Examin	er.							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	10)	The drawing(s) filed on is/are: a) ac	cepted or b)□ objecte	d to by the Examiner.						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)				•						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	11)		•	-,,	` '					
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Priority	under 35 U.S.C. § 119								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152)	a)	 □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documer 2. □ Certified copies of the priority documer 3. □ Copies of the certified copies of the priority application from the International Burea 	nts have been received nts have been received ority documents have l au (PCT Rule 17.2(a)).	I. I in Application No Deen received in this National S	Stage					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	Attachmei	nt(s)								
	2)	ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/08	Pape 3) 5) 🔲 Notic	er No(s)/Mail Date ce of Informal Patent Application (PTO-	·152)					

Application/Control Number: 10/651,815 Page 2

Art Unit: 3728

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-24 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 16, 17, 19 and 21, line 1 of each, "clamshell package" is indefinite, as the subsequent structure fails to provide for what a "clamshell package is, nor is the arrangement of the elements definite to provide a package defined by the portions. In claims 1, 16, 17 and 21, the second portion in line 5 of each should be defined as --attached to the first portion and-- to support the recitation of a "clamshell" and a "housing" previously set forth. In claim 19, line 3, the panels in their second recitation should be defined as --are attached to one another--.

In claims 1, 13, 16, 19, 21 and 23, lines 6, 8, 6, 6, 7, and 8 and 9, respectively, the "substantially" reference to the grain cancels out the contrast in their directions and should be deleted in each instance to define the relationship of crossing grains.

In claim 12, line 1, "blister pack" is inconsistent with claim 1. In line 3, "clamshell package" lacks antecedent basis.

In claim 13, line 12, "the cavity" should --each cavity--, as more than one cavity may exist.

In claim 19, a clamshell package housing is defined. Accordingly, "when combined" in line 6 and "when assembled" in lines 6-7 are indefinite as contrary to a clamshell package housing and should be deleted.

Application/Control Number: 10/651,815

Art Unit: 3728

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United

Page 3

States.

4. Claims 17 and 19-20 are finally rejected under 35 U.S.C. 102(b) as being

anticipated by Lauterbach Jr.. Disclosed is a clamshell package housing comprising a

display chamber (between members 20 and 30) being substantially seamless and

opaque (polystyrene which comprises the layers being opaque), a first portion or panel

(30) of substantially tear-resistant material and a second portion or panel (20), the

portions or panels having two crossing grains (see Figures 2 and 3) to inherently

provide resistance to tearing in multiple directions, the display chamber extending

outward from the first panel.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 18 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over

the art as applied to claim 17 above, and further in view of Stoker Jr. (3,695,417).

Stoker Jr. discloses graphics disposed on the exterior of a display chamber (see column

Application/Control Number: 10/651,815

Art Unit: 3728

2, lines 6-12 and 37-43. To modify the display chamber of any of Lauterbach Jr. employing the graphics teaching of Stoker Jr. would have been obvious in order to provide information relative to the contents.

Page 4

- 7. Applicant's arguments filed May 19, 2005 have been fully considered but they are not entirely persuasive. The claims are considered indefinite in view of the grounds presented above. Claims 17-20 are not seen to distinguish from the structure of Lauterbach Jr. as explained above, alone or in view of Stoker Jr..
- 8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Claims 1-16 and 21-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Page 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Day P. Sul

Bryon P. Gehman **Primary Examiner** Art Unit 3728

BPG